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10/553,116	08/08/2006	Jens Husner	71932	1731
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MCGLEW & TUTTLE, PC			SALONE, BAYAN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,116	HUSNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BAYAN SALONE	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 10-21 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 October 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/13/2005 and 12/14/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: ____ .

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitations "the attached part" in Line 7, "the gap" in Line 9, "the component plane" in Line 14 and "the fillet" in Line 16. There is insufficient antecedent basis for these limitations in the claim.

3. Claim 2 recites the limitation "the visible edge area" in Line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 3 recites the limitations "the hinge side" and "the window side" in Lines 2 and 3 of the claim. There is insufficient antecedent basis for these limitations in the claim.

5. Claim 8 recites the limitation "the front side" in Line 3 of the claim. There is insufficient antecedent basis for these limitations in the claim. Further it is unclear as to which side of the edge of the internal sheet the applicant regards as "*the front side*".

6. Claim 10 recites the limitation "the hidden or not visible edge" in Lines 13 of the claim. There is insufficient antecedent basis for these limitations in the claim.

7. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble is inconsistent with the body of the claim, rendering the claim indefinite. While the preamble appears to recite a product ("A motor vehicle part to be attached to a motor vehicle body, comprising:"), the body of the claim recites method steps (i.e. forming an internal sheet; forming an external sheet produced..."") It is thus unclear as to whether applicant is attempting to recite a product or a method. If it is the applicant's intent to claim a product, the following amendments to the claim are suggested:

19. (Currently Amended) [New] A motor vehicle part to be attached to a motor vehicle body, comprising:

a visible edge area visible by a user of the motor vehicle; and a hidden or not visible edge area that cannot be viewed by a user of the motor vehicle, the motor vehicle part comprising [being formed by the steps of]: [forming] an internal sheet; [forming] an external sheet produced separately from the internal sheet; [forming] wherein the visible edge area of [by bending] the external sheet is bent inwardly at a side to form a bend and a bent portion, [pushing] ;wherein an edge area of the internal sheet is pushed against the bent portion [in] toward the bend of the external sheet to minimize a gap between the bent portion and the edge area of the internal sheet; wherein [and welding] the internal sheet and the external sheet are welded together by a laser beam directed into the gap between the edge area of the internal sheet and the bent portion adjacent to the bend of the external sheet; and wherein [forming] the hidden or not visible edge area [by laying] is an edge flange portion of the external sheet and an edge flange portion of the internal sheet laying on each

other in parallel to a component plane having [to form] overlapping flange portions; wherein [and laser-welding] the overlapping flange portions are welded together providing [to form] an overlap joint or laser-welded [welding] or laser-soldered [soldering in a] fillet at the overlapping flange portions providing [to form] an overlap joint.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-14 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmer (US Patent No. 6,109,682).

10. Regarding Claim 1, Zimmer discloses a method for producing a door or hatch of a motor vehicle comprising: providing an internal sheet (3) and at least one external sheet (1) with said sheets being produced separately from each other; and bending the external sheet (1) inwardly at sides visible from outside in the edge area; pushing pertaining edge area (4) of the internal sheet (3) against the bend (2) of the external sheet (1) to minimize a gap (19); welding the internal sheet (3) and the external sheet (1) together by a laser beam (21) directed into the gap (19) between the edge areas (4) of the internal sheet (3) and the bend (2) of the external sheet (1); laying the edges of the external sheet (1) and

internal sheet (3) on each other in parallel to the door plane at all invisible sides in the edge area of the attached part lying opposite to the visible area(s) (Note: the examiner construes all four sides of the sheets are identically formed (see Figure 2). The area where the inner sheet (3) and outer sheet (1) are abutted between supports (14, 15) shows wherein the sheets are placed parallel to one another before being welded together. As can also be noted from Figure 2, the sides of the inner sheet (3) are now hidden, once they are abutted against the interior of the outer sheet(1)); and laser welding in an overlap joint (Col. 1, Lines 10-16 and Col. 3, Lines 6-33, Fig. 2).

11. Regarding Claim 2, Zimmer discloses a method according to Claim 1, wherein the visible edge area of said external sheet (1) is inwardly bent around the inner sheet (3) using a bordering tool so that the inner sheet is bordered by the outer sheet. The method of Zimmer results in the production of a door or hatch in which all sides thereof are identically formed. Therefore, using said method the visible edge area of the external sheet (1) would inherently be inwardly bent at a sill side and/or lock side of the motor vehicle door (Col. 1, Lines 10-16).

12. Regarding Claim 3, Zimmer discloses a method according to claim 1 wherein the invisible edge areas (2) of the door external sheet (1) are connected with the edge areas (4) of the door internal sheet (3) in the overlap joint by laser welding (Col. 1 Lines 10-16 and Lines 23-24). The method of Zimmer results in the production of a door or hatch in which all sides thereof are identically formed. Therefore, as previously stated, using the disclosed method the invisible edge

areas of the external sheet (1) of the motor vehicle door would inherently be connected to the edge areas of the internal sheet (3) at a hinge side and/or window side.

13. Regarding Claim 4, Zimmer discloses a method according to claim 1 wherein the bend of the external sheet (1) is arranged at an angle to the external sheet (1) being greater than or equal to 90° (Col. 1, Lines 49-52).

14. Regarding Claim 5, Zimmer discloses a method according to claim 1 wherein in the visible area where the external sheet (1) is inwardly bent, the internal sheet (3), too, is wholly or partly bent inwardly or outwardly in an edge area (Col. 3, Lines 6-13, Figs. 2-4).

15. Regarding Claim 6, Zimmer discloses a method according to Claim 5, wherein the bend of the external sheet (1) forms an acute angle to the bend of the internal sheet (3) (Col. 3, Lines 11-13, Fig. 4).

16. Regarding Claim 8, Zimmer discloses a method according to claim 1 wherein the edge area of the internal sheet (3) is arranged in parallel to the external sheet (2) and that a side of the edge of the internal sheet (3) is so beveled that it forms an acute angle to the bend of the external sheet (1). (Note, as can be seen in Figure 2, the end regions (2, 4) of the external and internal sheets are mated together in a parallel configuration. The bend area shown below the weld are (5) shows wherein an acute angle is formed between the sheets and flows into the bend).

17. Regarding Claim 10, Zimmer discloses a method for producing a motor vehicle door or hatch, the method comprising the steps of: forming an internal sheet (3); forming an external sheet (1) produced separately from the internal sheet (the external and internal sheets are brought together and formed to produce the vehicle door or hatch); forming an edge area by bending the external sheet (1) inwardly at a side to form a bend and a bent portion, pushing an edge area (4) of the internal sheet (3) against the bent portion in toward the bend of the external sheet (2) to minimize a gap (19) between the bent portion and the edge area (4) of the internal sheet (3) and welding the internal sheet and the external sheet together by a laser beam (21) directed into the gap (19) between the edge area (4) of the internal sheet (3) and the bent portion adjacent to the bend of the external sheet (1); and forming the edge area by laying an edge portion (2) of the external sheet and an edge portion (4) of the internal sheet on each other in parallel to the door plane and laser-welding the portions together.

Zimmer does not explicitly disclose a visible, hidden or not visible edge or forming end areas of the metal sheets having overlapping flange portions. Zimmer does however disclose wherein the edge of the outer sheet (1) is bent around the inner sheet (3) so the inner sheet (3) is bordered by the outer sheet (Col. 1, Lines 10-16). (Note: the examiner construes all four sides of the sheets are identically formed. As is shown in Figure 2, the area where the inner sheet (3) and outer sheet (1) are abutted between supports (14, 15) shows wherein the sheets are placed parallel to one another where overlapping flanged portions are formed before being welded together. Furthermore, the sides of the inner sheet

(3) are hidden, once they are abutted against the interior of the outer sheet (1), thus the edge of the outer sheet (1) is visible to a user of the motor vehicle door, while the edges of the inner sheet (3) are hidden from a user of the motor vehicle door, as all of the edges of the inner sheet (3) are bordered by the outer sheet (1).

18. Regarding Claim 11, Zimmer discloses a method of claim 10 wherein an edge area of said external sheet (1) is inwardly bent around the inner sheet (3) using a bordering tool so that the inner sheet is bordered by the outer sheet. As shown in Figure 2, it is inherent that the visible edge area of the external sheet (1) is inwardly bent at a sill side and/or lock side of the motor vehicle door (Col. 1, Lines 10-16).

19. Regarding Claim 12, Zimmer discloses a method according to claim 11, wherein the invisible edge areas (2) of the door external sheet (1) are connected with the edge areas (4) of the door internal sheet (3) in the overlap joint by laser welding (Col. 1 Lines 10-16 and Lines 23-24). The method of Zimmer results in the production of a door or hatch in which all sides thereof are identically formed. Therefore, as previously stated, using the disclosed method the invisible edge areas of the external sheet (1) of the motor vehicle door would inherently be connected to the edge areas of the internal sheet (3) at a hinge side and/or window side (see Figure 2).

20. Regarding Claim 13, Zimmer discloses a method according to claim 10, wherein the bend (2) of the external sheet (1) is arranged at an angle to the external sheet (1) being greater than or equal to 90° (Col. 1, Lines 49-52, Fig. 2).

21. Regarding Claim 14, Zimmer discloses a method according to claim 10, wherein the bend (2) of the external sheet (1) forms an acute angle to the bend of the internal sheet (3) (Col. 3, Lines 11-13, Fig. 4).
22. Regarding Claim 16, Zimmer discloses a method according to claim 10, wherein the edge area of the internal sheet (3) is provided by bending an end in a direction away from the external sheet (Col. 1, Lines 49-52, Fig. 3).
23. Regarding Claims 17 and 18, Zimmer discloses a method according to claim 10, wherein the edge area of the internal sheet (3) is provided by bending an end (4) in a direction toward the external sheet (1); wherein the edge area (4) of the internal sheet (3) is the end face of the internal sheet (3) directed toward an inner surface of the bent portion of the external sheet (1) (Col. 3, Lines 43-47, Fig. 7).
24. Regarding Claim 19, Zimmer discloses a method that results in the production of a motor vehicle door or hatch in which all sides thereof are identically formed. The method comprises the steps of: forming an internal sheet (3); forming an external sheet (1) produced separately from the internal sheet (the external and internal sheets are brought together and formed to produce the vehicle door or hatch); forming an edge area by bending the external sheet (1) inwardly at a side to form a bend (2) and a bent portion, pushing an edge area (4) of the internal sheet (3) against the bent portion in toward the bend of the external sheet (2) to minimize a gap (19) between the bent portion and the edge area (4) of the internal sheet (3) and welding the internal sheet and the external sheet together by a laser beam (21) directed into the gap (19) between the edge

area (4) of the internal sheet (3) and the bent portion adjacent to the bend of the external sheet (1); and forming the edge area by laying an edge portion (2) of the external sheet and an edge portion (4) of the internal sheet on each other in parallel to the door plane and laser-welding the portions together.

Zimmer does not explicitly disclose a visible, hidden or not visible edge or forming end areas of the metal sheets having overlapping flange portions. Zimmer does however disclose wherein the edge of the outer sheet (1) is bent around the inner sheet (3) so the inner sheet (3) is bordered by the outer sheet (Col. 1, Lines 10-16). (Note: as previously stated, the examiner construes all four sides of the sheets are identically formed. As seen in Figure 2, the area where the inner sheet (3) and outer sheet (1) are abutted between supports (14, 15) shows wherein the sheets are placed parallel to one another where overlapping flanged portions are formed before being welded together. Also, the sides of the inner sheet (3) are hidden, once they are abutted against the interior of the outer sheet(1), thus the edge of the outer sheet (1) is visible to a user of the motor vehicle door, while the edges of the inner sheet (3) are hidden form a user of the motor vehicle door, as all of the edges of the inner sheet (3) are bordered by the outer sheet (1)).

25. Regarding Claim 20, Zimmer discloses a motor vehicle door or hatch according to claim 19, wherein the edge area of the external sheet (1) is inwardly bent (Col.1 Lines 10-16).

26. Regarding Claim 21, Zimmer discloses a motor vehicle door or hatch according to claim 19, wherein the edge area of the internal sheet (3) is provided

by bending an end in a direction away from the external sheet (1) or in a direction toward the external sheet (1) (Col. 3, Lines 6-14 and Lines 43-49, Figs. 3 and 7).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer (US Patent No. 6,109,682), in view of Klaus et al. (EP Patent Document 0200997).

29. Regarding Claims 7 and 15, Zimmer discloses a method according to claims 1 and 10 wherein the edge areas (4) of the internal sheet (3) are inwardly or outwardly bent at an angle of  $\leq 90^\circ$  or  $\geq 90^\circ$  to substantially enhance the moment of resistance (Col. 1, Lines 49-52 and Col. 3, Lines 34-52, Figs. 5-8). Zimmer does not explicitly disclose bending the edge areas of the internal sheet inwardly or outwardly at an angle up to  $180^\circ$ .

30. Klaus et al. discloses a method of laser beam welding two thin metal sheets (1, 2) together. The two metal sheets being an internal sheet (1) and an external sheet (2) are formed by bending each of the edges (3, 4) of the metal sheets to an angle of  $180^\circ$ , To form flanged areas (3, 4) (Abstract of the disclosure). It would have been obvious to one of ordinary skill in the art at the

time of invention to form the edge areas of Zimmer at a bent angle of up to 180° as disclosed by Klaus et al., for the benefit of substantially enhancing the moment of resistance.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAYAN SALONE whose telephone number is (571)270-7739. The examiner can normally be reached on M-Th, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571)-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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